

BOARD OF APPEALS CASE NOS. 5218 & 5226

BEFORE THE

**APPLICANT: Angleside LLC &
Donald and Nancy Temple**

ZONING HEARING EXAMINER

**REQUEST: Variance to locate residential
development entrance signs; Angleside Road,
Fallston**

OF HARFORD COUNTY

Hearing Advertised

HEARING DATE: March 11, 2002

Aegis: 1/23/02 & 1/30/02

Record: 1/25/02 & 2/1/02

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ZONING HEARING EXAMINER'S DECISION

These two cases involve two different parcels owned by two landowners; however, the request is related to a single entrance with development sign. The Applicant in Case No. 5218 is Angleside, LLC, and in Case No. 5226, Donald and Nancy Temple. In both cases, consolidated by the Hearing Examiner upon motion by counsel, the Applicants are seeking a variance, pursuant to Section 219-17 of the Harford County Code, from the provisions of Section 219-7K, to allow a permanent residential entrance sign within 10 feet of the road right-of-way (0 feet proposed) and a height in excess of six (6) feet, (fifteen [15] feet proposed), in an AG/Agricultural District.

The subject parcel is at the entrance to Regent's Ridge subdivision on Angleside Road and is more particularly identified on Tax Map 48, Grid 1B, Parcel 1, Lot 1 and Lot 15. The parcel consists of 3.73± acres, is zoned AG and is entirely within the Third Election District.

For the Applicant appeared Mr. Norman Ray, an officer of Bob Ward and Associates, the developer of Regent's Ridge. The witness stated that the only access to this development is from Angleside Road. The two parcels, Lot 1 and Lot 15, lie to the sides of Angleside Road adjacent to the entrance. The road is elevated above the land which slopes severely away from the road bed at the entrance location. The sign will be 2 feet by 2 feet mounted on a two brick walls located to either side of the entrance.

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The resulting appearance is much like a gated community entrance without the gate. As one crosses over a bridge into Regent's Ridge the road ends in a cul-de-sac and will not be extended as only 15 homes are planned for the community. The witness pointed out that the brickwork does not encroach into the road right-of-way and, if placed further away at a distance not requiring a variance, would actually be below grade. The witness did not think any adverse impact would result from a grant of the variance.

Mr. Anthony McClune appeared on behalf of the Department of Planning and Zoning. Mr. McClune confirmed the testimony of Mr. Ray and described again the unique topographical configuration of this parcel. The land drops off rapidly from the road bed and any signage not requiring a variance would be set back into a wooded area below the grade of the road bed. Angleside Road is the only entrance to the subdivision and Angleside Road ends 1,800 feet beyond the entrance. Even though a variance is requested, the brickwork is still located 15 feet away from the roadbed itself. Mr. McClune stated that the Department of Public Works had reviewed the request and supported it. The Department recommends approval.

There were no persons who appeared in opposition to this request.

CONCLUSION:

The Applicants are seeking a variance pursuant to Section 219-17 of the Harford County Code from the provisions of Section 219-7K to allow a permanent residential entrance sign within 10 feet of the road right-of-way (0 feet proposed) and a height in excess of six (6) feet, (fifteen [15] feet proposed) in an AG/Agricultural District.

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Harford County Code Section 219-7K provides:

“Exemptions. The following types of signs are exempt from all the provisions of this chapter, except for construction and safety regulations and the following standards:

- K. Permanent residential entrance or development project identification signs. Residential entrance or development project identification sign with letters or advertising area not to exceed a total area of thirty-two (32) square feet shall be permitted on the property, provided that it is located not less than ten (10) feet from the road right-of-way line. In addition, the height of the sign or structure shall not exceed six (6) feet. If the parcel or lot has a multiple frontage of at least fifty (50) feet, additional signs with letters or advertising area not to exceed a total of thirty-two (32) square feet shall be permitted. Such sign or structure shall not exceed six (6) feet in height and shall not be located less than ten (10) feet from the road right-of-way. Said signs may be split entrance signs; however, the overall advertising area may not exceed the thirty-two (32) square feet.”

Harford County Code Section 219-17 provides:

“Variances. The Board may grant a variance from the provisions of this chapter if, by reason of the configuration or irregular shape of the lot or by reason of topographic conditions or other exceptional circumstances unique to the lot or building, practical difficulty or unnecessary hardship results. The Board shall, before granting the variance, make a written finding as part of the record that the conditions or circumstances described are unique to the lot or building, that the conditions or circumstances cause the difficulty or hardship and that the variance can be granted without impairment of the purpose and provisions of this chapter.”

The Hearing Examiner finds that the severe slopes to either side of the road bed, the existence of a single entrance only, the short length of the road ending in a cul-de-sac 1,800 feet from the signage all contribute to unique topographic conditions. These circumstances are unique to these two lots and create the need for the variance. Without the variance, the sign would be setback away from the entrance below the level of the road bed, entirely defeating the purpose of a development sign.

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The Hearing Examiner recommends approval of the request, subject to the Applicant obtaining any and all necessary permits and inspections.

Date MARCH 26, 2002

William F. Casey
Zoning Hearing Examiner